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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 R. R. Donnelley & Sons Company,

12 Plaintiff,

13 v.

14 John Pappas, et al.,

15 Defendants.  
16

No. 2:21-cv-00753-KJM-AC

ORDER

17 This matter is before the court on the request of defendants John Pappas III (“Pappas”) and Meriliz, Inc., dba Dome Printing (“Dome”) to seal portions of Pappas’ Opposition to Plaintiff R. R. Donnelley’s Motion for Contempt. *See* Defs.’ Req. Seal, ECF No. 58. Defendants seek to comply with the parties’ Stipulated Protective Order in this trade secrets case. *Id.* at 2. Plaintiffs also request to seal the same portions of the same documents. *See* Pls.’ Req. Seal, ECF No. 61. For the reasons below, the court **grants** the request.

23 **I. DISCUSSION**

24 “[T]he courts of this country recognize a general right to inspect and copy public records  
25 and documents, including judicial records and documents.” *Nixon v. Warner Commc’ns*, 435 U.S.  
26 589, 597 (1978) (footnote omitted). Although that right is not absolute, “ ‘a strong presumption  
27 in favor of access’ is the starting point.” *Kamakana v. City and County of Honolulu*, 447 F.3d  
28 1172, 1178 (9th Cir. 2006) (quoting *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135

(9th Cir. 2003)). This presumption “is ‘based on the need for federal courts, although independent—indeed, particularly because they are independent—to have a measure of accountability and for the public to have confidence in the administration of justice.’ ” *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096 (9th Cir. 2016) (quoting *United States v. Amodeo*, 71 F.3d 1044, 1048 (2d Cir. 1995)).

Access in civil cases is properly denied for clearly justifiable reasons: to protect against “gratification of] private spite or promot[ion of] public scandal” or to preclude court dockets from becoming “reservoirs of libelous statements” or “sources of business information that might harm a litigant’s competitive standing.” *Nixon*, 435 U.S. at 597 (citations omitted). “Those who seek to maintain the secrecy of documents attached to dispositive motions must meet the high threshold of showing that ‘compelling reasons’ support secrecy.” *Kamakana*, 447 F.3d at 1178 (citing *Foltz*, 331 F.3d at 1136). The compelling-reasons standard applies even if contents of the dispositive motion or its attachments have previously been filed under seal or are covered by a generalized protective order, including a discovery phase protective order. *See Foltz*, 331 F.3d at 1136.

Here, the parties request to seal customer identity information. While the terms of their discovery protective order are not sufficient grounds for sealing, “[a] customer list is one of the types of information which can qualify as a trade secret.” *Abba Rubber Co. v. Seaquist*, 235 Cal.App.3d 1, 18 (1991). “This information has potential or actual value from not being generally known to the public: information about customers’ preferences can aid in ‘securing and retaining their business.’ ” *Brocade Commc’ns Sys., Inc. v. A10 Networks, Inc.*, 873 F. Supp. 2d 1192, 1214 (N.D. Cal. 2012) (quoting *Mattel, Inc. v. MGA Entm’t, Inc.*, 782 F. Supp. 2d 911, 972 (C.D.Cal.2011); *see also Johnstech Int’l Corp. v. JF Microtechnology SDN BHD*, No. 14-02864, 2016 WL 4091388, at \*2 (N.D. Cal. Aug. 2, 2016) (“The customer information qualifies as trade secrets . . .”). Accordingly, the court finds the parties have met the “compelling reasons” standard. As recounted above, “the right to inspect and copy judicial records is not absolute,” and access in civil cases may be properly denied for clearly justifiable reasons, including the need to protect against revealing “sources of business information that might harm a litigant’s

1 competitive standing.” *Nixon*, 435 U.S. at 598. Furthermore, the court notes “the redactions are  
2 narrowly tailored to seal just this information.” *Johnstech Int’l Corp.*, 2016 WL 4091388, at \*2.  
3 The court previously granted plaintiff’s request to seal similar information in its original and  
4 amended complaints. *See* Order, ECF NO. 7.

## 5 II. CONCLUSION

6 For the above reasons, the parties’ requests are GRANTED and the following portions of  
7 defendants’ Opposition to Plaintiff’s Motion for Contempt shall be sealed:

- 8 • Opposition to Motion for Contempt: pg. 6, lines 23-24; pg. 8, line 8; pg. 13, lines 15-17;
- 9 • Declaration of Dylan W. Wiseman: pg. 3, line 3; pg. 4, lines 6-8; entire Exhibit A; entire  
10 Exhibit B; and
- 11 • Declaration of John Pappas III: pg. 2, lines 22-23; pg. 4, line 21.

12 Either party or the public may move to unseal these portions upon a requisite showing.

13 This order resolves ECFs 58 and 60.

14 IT IS SO ORDERED.

15 DATED: June 3, 2022

16   
17 CHIEF UNITED STATES DISTRICT JUDGE  
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